



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/708,112 | 02/10/2004 | Robert G. Barnes | 60655.5200 | 2111 |

5514 7590 10/05/2006

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

| |
|----------|
| EXAMINER |
|----------|

MEYERS, MATTHEW S

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3629

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/708,112 | Applicant(s) BARNES ET AL. | |
| | Examiner Matthew S. Meyers | Art Unit 3629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: "Adding, via computer a system." Examiner interprets this to be "Adding, via a computer system." Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over Vance et al (US 7,050,986) (Hereinafter Vance) in view of Evans et al. (US 2003/0126033 A1) (Hereinafter Evans).
4. With respect to **Claim 1**:

Art Unit: 3629

Vance discloses a computer-implemented method for facilitating the automated redemption of an unused electronic ticket comprising the steps of (Vance, column 10, lines 29-37, Fig. 11):

setting, via a computer system, an aging period (Vance, column 10, lines 29-37, Fig. 11, "lists tickets older than a given number of days");

identifying, via a computer system, the scheduled date of an issued ticket for selected purchasers; (Vance, column 10, lines 29-37, Fig. 11, item 312, "data from table");

notifying a client (Vance, column 10, lines 35-37, "reports");

Vance does not explicitly disclose, adding, via computer a system, the aging period to the scheduled date and if the scheduled date plus the aging period is earlier than the current date, determining, via a computer system, whether the ticket has been used; if the ticket has not been used, identifying the ticket as an unused ticket; and calculating, via a computer system, the redemption value of the ticket;

However, Evans teaches a system for calculating the redemption value of a service or product (software licenses), when the item is returned (Evans [0282] and [0162] "...and goods and for accepting orders and payments therefor for travel related services by currency or credit card."). Evans system automatically determines whether to issue a full, partial or no refund at all. This calculation is based on whether the software is used or unused along with the age of the software. Much like Evans, the present claim is merely calculating the residual value of a service or good by determining if the service or good has been used by the aging period. Moreover, the

Art Unit: 3629

examiner interprets a software license to be analogous to an electronic ticket; both are licenses.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the tracking system of Vance with the automated redemption/refund system in Evans so that the tracking system in Vance would be able to automate its returns, thereby increasing customer productivity and reducing business latency.

5. **Claims 2-5 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Vance in view of Evans as applied to claim 1 above, and further in view of Business Wire article, entitled "American Express Expands RoundTrip Services With Array of New Products and Services" (July 15, 1997) (Hereinafter referred to as Business Wire).

6. With respect to **Claim 2**:

Vance discloses the reporting of unused tickets (Vance col. 10, lines 30-37). Nevertheless, neither Vance nor Evans explicitly discloses the step of processing, by said client travel agency, a refund of said unused ticket. However, Business Wire teaches the step of processing, by said client travel agency, a refund of said unused ticket (Business Wire Paragraph 8, "Ticket TRAX is a service that identifies unused electronic tickets and initiates the refund process..."). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the reporting of unused tickets as disclosed in Vance and the automated redemption/refund system in Evans with the Ticket TRAX service as taught in Business Wire to simplify the arduous task of

not only tracking a corporations unused tickets but to refund them as well. This combination would logically address the need set forth by Vance, for a corporate travel planning and management system, which allows automated travel planning and expense reporting (Vance col. 2, lines 33-39).

7. With respect to **Claim 3:**

Business Wire discloses the step of notifying a client travel agency of said unused ticket includes notifying a client travel agency by submitting a report of unused tickets (Business Wire Paragraph 8, "...notifying the traveler and delivering monthly reports to the travel manager.").

8. With respect to **Claim 4:**

Business Wire discloses collecting ticket data from a financial transaction account, wherein said ticket data is used to determine said issued ticket for selected purchasers (Business Wire Paragraph 9, "The software then enables companies to approve and audit the expense reports electronically and post them to general account systems.").

9. With respect to **Claim 5:**

Business Wire discloses wherein said ticket is at least one of a paper ticket and electronic ticket (Business Wire Paragraph 8, "Ticket TRAX is a service that identifies unused electronic tickets...").

10. With respect to **Claim 7:**

Business Wire discloses an electronic ticket which comprises a plurality of data fields and wherein said step of calculating, via a computer system, comprises the steps

Art Unit: 3629

of communicating said data fields to a customer service tool and receiving a redemption value from said customer service tool (Business Wire Paragraph 8, "Ticket TRAX is a service that identifies unused electronic tickets and initiates the refund process, notifying the traveler and delivering monthly reports to the travel manager.").

11. **Claims 6 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Vance in view of Evans as applied to claim 1 above, and further in view of M2 Presswire article, entitled "American Express Ticket TRAX service launches for American Express business travel clients" (March 12, 1999) (Hereinafter referred to as M2 Presswire).

With respect to **Claim 6**:

Neither Vance nor Evans discloses separating non-refundable tickets. However, M2 Presswire teaches separating non-refundable tickets (M2 Presswire Paragraph 4 "During pilot test, American Express found that nearly two percent of all electronic tickets contain at least one refundable segment...") (Examiner notes that in order to find that nearly two percent of all electronic ticket contain at least one refundable segment it would be necessary to separate non-refundable tickets out). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the reporting of unused tickets as disclosed in Vance and the automated redemption/refund system in Evans with the Ticket TRAX service as taught in M2 Presswire in order to properly process the automated returns.

12. With respect to **Claim 8**:

M2 Presswire discloses identifying the ticket as an unused ticket based upon an analysis of at least one of a client travel agency database and a global distribution

Art Unit: 3629

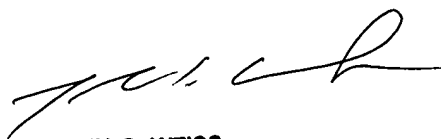
system (M2 Presswire Paragraph 6, "The Ticket Trax system logs a record of all electronic tickets booked by a corporation's employees through American Express Travel. Then it checks the computer reservations systems (CRSs) after a specified period of time to determine if all segments of the ticket were used.").

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Meyers whose telephone number is (571) 272-7943. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSM
9/21/06



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600